

§ 170.411 What may a long-range transportation plan include?

A comprehensive long-range transportation plan may include:

- (a) An evaluation of a full range of transportation modes and connections between modes such as highway, rail, air, and water, to meet transportation needs;
- (b) Trip generation studies, including determination of traffic generators due to land use;
- (c) Social and economic development planning to identify transportation improvements or needs to accommodate existing and proposed land use in a safe and economical fashion;
- (d) Measures that address health and safety concerns relating to transportation improvements;
- (e) A review of the existing and proposed transportation system to identify the relationships between transportation and the environment;
- (f) Cultural preservation planning to identify important issues and develop a transportation plan that is sensitive to tribal cultural preservation;
- (g) Scenic byway and tourism plans;
- (h) Measures that address energy conservation considerations;
- (i) A prioritized list of short and long-term transportation needs; and
- (j) An analysis of funding alternatives to implement plan recommendations.

§ 170.412 How is the tribal IRR long-range transportation plan developed and approved?

(a) The tribal IRR long-range transportation plan is developed by:

- (1) A tribe working through a self-determination contract or self-governance agreement or other funding sources; or
- (2) BIA upon request of, and in consultation with, a tribe. The tribe and BIA need to agree on the methodology and elements included in development of the IRR long-range transportation plan along with time frames before work begins.

(b) During the development of the IRR long-range transportation plan, the tribe and BIA should jointly conduct a midpoint review.

(c) The public reviews a draft IRR long-range transportation plan as re-

quired by § 170.413. The plan is further refined to address any issues identified during the public review process. The tribe then approves the IRR long-range transportation plan.

§ 170.413 What is the public role in developing the long-range transportation plan?

BIA or the tribe must solicit public involvement. If there are no tribal policies regarding public involvement, a tribe must use the procedures shown below. Public involvement begins at the same time long-range transportation planning begins and covers the range of users, from stakeholders and private citizens to major public and private entities. Public involvement may be handled in either of the following two ways:

(a) *For public meetings*, BIA or a tribe must:

- (1) Advertise each public meeting in local public newspapers at least 15 days before the meeting date. In the absence of local public newspapers, BIA or the tribe may post notices under local acceptable practices;
- (2) Provide at the meeting copies of the draft long-range transportation plan;
- (3) Provide information on funding and the planning process; and
- (4) Provide the public the opportunity to comment, either orally or in writing.

(b) *For public notices*, BIA or a tribe must:

- (1) Publish a notice in the local and tribal newspapers when the draft long-range transportation plan is complete. In the absence of local public newspapers, BIA or the tribe may post notices under local acceptable practices; and
- (2) State in the notice that the long-range transportation plan is available for review, where a copy can be obtained, whom to contact for questions, where comments may be submitted, and the deadline for submitting comments (normally 30 days).

§ 170.414 How is the tribal long-range transportation plan used and updated?

The tribal government uses its IRR long-range transportation plan in its

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development of a tribal priority list or TTIP. To be consistent with State and MPO planning practices, the tribe or BIA (for direct service tribes) should:

- (a) Review the IRR long-range transportation plan annually; and
- (b) Update the plan every 5 years.

§ 170.415 What is pre-project planning?

(a) Pre-project planning is part of overall transportation planning and includes the activities conducted before final project approval on the IRR Transportation Improvement Program (IRRTIP). These activities include;

- (1) Preliminary project cost estimates;
- (2) Certification of public involvement;
- (3) Consultation and coordination with States and/or MPO's for a regionally significant projects;
- (4) Preliminary needs assessments; and
- (5) Preliminary environmental and archeological reviews.

(b) The BIA regional office must work cooperatively with tribal, state, regional, and metropolitan transportation planning organizations concerning the leveraging of funds from non-IRR Program sources and identification of other funding sources to expedite the planning, design, and construction of projects on the IRRTIP.

TRANSPORTATION IMPROVEMENT PROGRAM

§ 170.420 What is the tribal priority list?

The tribal priority list is a list of all transportation projects that the tribe wants funded. The list:

- (a) May or may not identify projects in order of priority;
- (b) Is not financially constrained; and
- (c) Is provided to BIA by official tribal action, unless the tribal government submits a Tribal Transportation Improvement Program (TTIP).

§ 170.421 What is the Tribal Transportation Improvement Program (TTIP)?

The TTIP:

- (a) Must be consistent with the tribal long-range transportation plan;

(b) Must contain all IRR Program funded projects programmed for construction in the next 3 to 5 years;

(c) Must identify the implementation year of each project scheduled to begin within the next 3 to 5 years;

(d) May include other Federal, State, county, and municipal, transportation projects initiated by or developed in cooperation with the tribal government;

(e) Will be reviewed and updated as necessary by the tribal government;

(f) Can be changed only by the tribal government; and

(g) Must be forwarded to BIA by resolution or by tribally authorized government action for inclusion into the IRRTIP.

§ 170.422 What is the IRR Transportation Improvement Program (IRRTIP)?

The IRRTIP:

(a) Is financially constrained;

(b) Must include eligible projects from tribal TTIPs;

(c) Is selected by tribal governments from TTIPs or other tribal actions;

(d) Is organized by year, State, and tribe; and

(e) May include non-IRR projects for inclusion into the State Transportation Improvement Program (STIP).

§ 170.423 How are projects placed on the IRRTIP?

(a) BIA selects projects from the TTIP or tribal priority list for inclusion on the IRRTIP as follows:

(1) The tribal government develops a list of detailed tasks and information for each project from the tribal priority list or TTIP;

(2) BIA includes this project information in its region-wide control schedule without change, unless the funding required exceeds the amount available to the tribe;

(3) BIA must include projects that are scheduled in the next 3 to 5 years; and

(4) BIA develops the IRRTIP after consulting with the tribes and taking their priorities into account.

(b) A tribe that does not generate enough annual funding under the IRR Program funding formula to complete a project may either: